

## CIVIL COVER SHEET

## APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

S.B. and N.B. as Parents and Natural Guardians of M.B.

(b) County of Residence of First Listed Plaintiff Delaware  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Shaffer & Gaier, LLC  
1617 JFK Blvd., Ste. 946, Philadelphia, PA 19103  
(215) 751-0100

## DEFENDANTS

City of Philadelphia, Department of Human Services;  
PSI Services, Inc.; County of Delaware; and Children and Youth  
Services of Delaware CountyCounty of Residence of First Listed Defendant Philadelphia  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | PTF                                     | DEF   | PTF   | DEF   |
|---|---|---|---|
| Citizen of This State                   | <input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. §1983

Brief description of cause:

Civil Rights

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 1-5-07 SIGNATURE OF ATTORNEY OF RECORD 

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 7<sup>TH</sup> Third Street, Fernwood, PA 19050

Address of Defendant: MULTIPLE DEFENDANTS - SEE ATTACHED

Place of Accident, Incident or Transaction: PHILADELPHIA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)).

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Michael D. Shaffer, Esquire, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 1-5-07

Attorney-at-Law

60191

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: S.B. and N.B. as Parents and Natural Guardians of M.B. vs. City of Philadelphia, Dept.  
Of Human Services, et al.

**List of Defendant Addresses**

City of Philadelphia, Department of Human Services  
1515 Arch Street  
Philadelphia PA 19103

and

PSI Services, Inc.  
7101 Wisconsin Avenue  
#1400  
Bethesda, MD 20814-4864

and

County of Delaware  
201 West Trenton Street  
Media, PA 19063

and

Children and Youth Services of Delaware County  
201 West Trenton Street  
Media, PA 19063

## APPENDIX I

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**


**CASE MANAGEMENT TRACK DESIGNATION FORM**

S.B. and N.B. as Parents and Natural	:	CIVIL ACTION
Guardians of M.B.	:	
v.	:	
City of Philadelphia, Department of Human	:	
Services, PSI Services, Inc., County of	:	NO.
Delaware and Children and Youth Services of	:	
Delaware County	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>1-5-07</u>	<u></u>	<u>Plaintiffs</u>
Date	Attorney-at-law	Attorney for
<u>(215) 751-0100</u>	<u>(215) 751-0723</u>	<u>mshaffer@shaffergaier.com</u>
Telephone	FAX Number	E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 7<sup>TH</sup> Third Street, Fernwood, PA 19050

Address of Defendant: MULTIPLE DEFENDANTS - SEE ATTACHED

Place of Accident, Incident or Transaction: PHILADELPHIA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)). Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?  
**RELATED CASE, IF ANY:**

Yes ☐ No ☒

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

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Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

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5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
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3. ☐ Assault, Defamation
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5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Michael D. Shaffer, Esquire, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 1/5/07

[Signature]  
Attorney-at-Law

60191

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Attorney-at-Law

\_\_\_\_\_  
Attorney I.D.#



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

S.B. and N.B.	:	
as Parents and Natural Guardians of	:	
M.B.	:	
7 <sup>th</sup> Third Street	:	
Fernwood, PA 19050	:	
Plaintiffs,	:	
	:	
vs.	:	NO.
	:	
CITY OF PHILADELPHIA	:	
DEPARTMENT OF	:	
HUMAN SERVICES	:	
1515 Arch Street	:	
Philadelphia PA 19103	:	
	:	
and	:	
	:	
PSI SERVICES, INC.	:	
7101 Wisconsin Avenue	:	
#1400	:	
Bethesda, MD 20814-4864	:	
	:	
and	:	
	:	
COUNTY OF DELAWARE	:	
201 West Trenton Street	:	
Media, PA 19063	:	
	:	
and	:	
	:	
CHILDREN AND YOUTH SERVICES	:	
OF DELAWARE COUNTY	:	
201 West Trenton Street	:	
Media, PA 19063	:	
Defendants.	:	

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COMPLAINT

Plaintiffs, S.B. and N.B parents and natural guardians of M.B, by through their attorneys,

hereby makes this claim against the Defendants as follows:

**PARTIES**

1. Plaintiffs, S. B. and N.B , are the parents and natural guardians of M.B. MB resides at 7<sup>th</sup> Third Street, Fernwood, PA 19050. This complaint is being filed with an anonymous designation of the injured party and her natural parents in order to protect their privacy interests particularly the minor M.B who was physically, emotionally and sexually abused and assaulted as a result of the defendants conduct as alleged herein.

2. Defendant, City of Philadelphia, is a municipal corporation of the Commonwealth of Pennsylvania with offices located at 1515 Arch Street Philadelphia PA 19102. This Defendant provided social services to children in Philadelphia though its Department of Human Services (hereinafter DHS).

3. The Philadelphia Department of Human Services is an agency of the City of Philadelphia with offices located at 1515 Arch Street, Philadelphia, PA 19102.

4. Defendant, County of Delaware is a municipal corporation and/or political subdivision in the Commonwealth of Pennsylvania with principle offices located at 201 West Front Street, Media PA.

5. Children and Youth Services of Delaware County is an agency of Delaware County with a principle place of business at 201 West Front Street, Media PA.

6. Defendant, PSI Services, Inc. ("PSI") is a Maryland corporation, partnership and or business entity with a principle place of business located at 7101 Wisconsin Avenue, #1400, Bethesda, MD 20814-4864. PSI contracts with governmental agencies to provide certain social services throughout Philadelphia and Delaware County.

7. At all times material hereto, the various agents, servants and/or employees of the defendants were acting under color of state law, within the course and scope of their employment, and in furtherance of and pursuant to defendants' official policies.

#### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over this claim pursuant to 28 U.S.C.A. §1331 as this matter involves a Federal question, namely Plaintiffs' civil rights as protected and guaranteed by the United States Constitution.

9. Venue is proper in the Eastern District of Pennsylvania as Plaintiff/parents and the minor child, MB, reside in this district, defendants regularly conduct business with this district and the actions of the defendants giving rise to this Complaint occurred within the district.

#### **FACTUAL BACKGROUND**

10. MB was born on October 26, 1990.

11. MB was taken from her home and out of the custody of her natural parents SB and NB by the Delaware County, Children and Youth Services of Delaware County, City of Philadelphia and/or DHS and placed into a foster home.

12. MB was placed into two foster homes in Philadelphia.

13. While at the foster homes, Robert Heath, her foster brother was also residing at the foster homes.

14. While she lived in the foster homes, Robert Heath raped MB on several occasions.

15. MB was also molested by Robert Heath and forced her to perform oral and vaginal sex.

16. MB was raped and sexually assaulted in both foster homes.



17. In addition to the sexual assaults, MB was also physically and emotionally abused while in the foster homes.

18. The Defendants, failed to monitor and/or supervise the foster homes that led to the abuse, assault and damages to MB.

19. The defendants conduct as stated herein was a violation of MB's Civil Rights as afforded and protected by the United States Constitution, Pennsylvania Constitution and /or federal, state, and/or local laws and regulations.

20. The defendants' conduct, as stated herein, was a state-created danger causing MB to be deprived of her Civil Rights as afforded and protected by the United States Constitution, Pennsylvania Constitution and /or federal, state, and/or local laws and regulations.

21. Defendants had a policy or custom that caused the aforesaid violations by the defendants that directly caused the state created danger.

22. Moreover, the defendant had a policy or custom that caused MB to be deprived of her Civil Rights afforded and protected by the United States Constitution, Pennsylvania Constitution and /or federal, state, and/or local laws and regulations.

23. As a result of the Defendant actions stated herein, MB sustained serious and painful injuries and mental anguish, the extent of which are not fully known.

24. As a result Defendants' actions, MB has been and may in the future be required to spend considerable sums of money for medical treatment in an effort to treat and cure herself of her injuries, any and all of which may continue to her great financial loss and detriment.

25. Further, MB has suffered a loss and diminution of her ability to enjoy the pleasures of life to her great detriment and loss.

26. The actions of Defendants as set forth above were intentional, willful, malicious, wanton, reckless, oppressive, and/or outrageous entitling MB to an award of punitive damages.

**COUNT I**  
**Plaintiff vs. Defendants**  
**42 U.S.C.A. § 1983**

27. Plaintiffs incorporate by reference the preceding paragraphs as if set forth herein.

28. The Defendants, acted, at all times material hereto, through its agents and employees.

29. At all times material hereto, defendants were "persons" under 42 U.S.C.A. § 1983.

30. At all times material hereto, defendants were acting under color of state law under 42 U.S.C.A § 1983.

31. At all times material hereto, the City of Philadelphia and/or Delaware County established formal procedures or a working relationship with PSI giving PSI official governmental powers.

32. Defendants, while acting under color of state law, unlawfully, intentionally, unreasonably maliciously, with deliberate indifference and /or with reckless indifference to MB's rights violated 42 U.S.C.A § 1983 and deprived her of her rights guaranteed under the Constitution of the United States, Constitution of the Commonwealth of Pennsylvania causing the aforementioned injuries by acting as follows:

- a. Having a pattern, custom or policy that resulted in their failure to investigate the suitability and fitness of MB's foster home(s);
- b. Having a pattern, custom or policy that resulted in their failure to maintain proper and reasonable supervision and inspection of the foster home(s) where MB was

placed;

- c. Having a pattern, custom or policy that resulted in the placement of MB in a foster home(s) when they knew or should have known that the foster home(s) was unfit and improper for MB's placement therein;
- d. Having a pattern, custom or policy that resulted in their failure to properly train and/or establish proper training procedures for their employees and agents;
- e. Having a pattern, custom or policy that resulted in their failure to exercise proper care and supervision over the foster home(s) and/or failing to establish proper monitoring and supervision policies for their employees and agents;
- f. having a pattern, custom or policy that resulted in their failure to devise and implement effective procedure protocol techniques methods and means for assessing the propriety of placement such as MB in the foster home(s);
- g. Having a pattern, custom or policy that resulted in the failure to devise and implement effective procedures protocol and techniques and methods and means for ongoing supervision of placement of MB in the foster home;
- h. Having a pattern, custom or policy that resulted in their failure to maintain and support policies and procedures to follow and or enforce federal state and local rules statutes and regulations regarding the placement of persons such as MB in foster homes;
- i. Having a pattern, custom or policy that resulted in the failure to adequately train manage and or supervise their agents, employees, ostensible agents, apparent agents, to ensure a reasonable standard of care for the health safety and welfare of MB and persons similarly situated;
- j. Having a pattern, custom or policy that resulted in their failure to have policies and procedure to ensure that MB and persons similarly situated would not be injured through sexual, physical and emotional abuse;
- k. Having a pattern, custom or practice that resulted in their failure to investigate other persons in the foster home(s) that caused harm to MB through sexual, physical and emotional abuse.

33. The harm and damages cause to MB was a foreseeable and direct consequences of the actions and omissions of defendants as described above.

**WHEREFORE**, Plaintiffs respectfully demand the following relief against Defendants:

- (a) compensatory damages in excess of the jurisdictional limits of Arbitration;
- (b) punitive damages;
- (c) pre-judgment interest, post-judgment interest, court costs and fees; and
- (d) other further relief as this Court may deem just and proper.

**COUNT II**  
**Plaintiffs vs. PSI Services, Inc.**  
**Negligence**

34. Plaintiffs incorporate by reference the preceding paragraphs as if set forth herein.

35. PSI, had the duty and authority to observe and supervise the placement of MB into the foster home(s) to ensure that she was safe.

36. PSI was negligent careless and unreasonable in the performance of their duties and responsibilities as follows:

- a. failing to investigate the suitability and fitness of MB's foster home(s);
- b. failing to maintain proper and reasonable supervision and inspection of the foster home(s) where MB was placed;
- c. placing MB in a foster home(s) when they knew or should have known that the foster home(s) was unfit and improper for MB placement therein.
- d. failing to properly train and/or establish proper training procedures for their employees and agents.
- e. failing to exercise proper care and supervision over the foster home(s) and/or failing to establish proper monitoring and supervision policies for their employees and agents.
- f. failing to devise and implement effective procedure protocol techniques methods and means for assessing the propriety of placement such as MB


in the foster home(s).

- g. failing to devise and implement effective procedures protocol and techniques and methods and means for ongoing supervision of placement of MB in the foster home.
- h. failing to maintain and support policies and procedures to follow and or enforce federal state and local rules statutes and regulations regarding the placement of persons such as MB in foster homes.
- i. failing to adequately train manage and or supervise their agents, employees, ostensible agents, apparent agents to ensure a reasonable standard of care for the health safety and welfare of MB and persons similarly situated.
- j. failing to have policies and procedure to ensure that MB and persons similarly situated would not be injured through sexual, physical and emotional abuse.
- k. failing to investigate other persons in the foster home(s), including but not limited to the failure to conduct proper background checks, that caused harm to MB through sexual, physical and emotional abuse.
- l. failing to investigate and determine who was living in the foster homes.

37. The harm and damages cause to MB was a foreseeable and direct consequences of the actions and omissions of defendants as described above.

**WHEREFORE**, Plaintiffs respectfully demand the following relief against Defendants:

- (a) compensatory damages in excess of the jurisdictional limits of Arbitration,
- (b) punitive damages,
- (c) pre-judgment interest, post-judgment interest, court costs and fees, and
- (d) other further relief as this Court may deem just and proper.

  
MICHAEL D. SHAFFER, ESQUIRE  
Attorney for Plaintiffs